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UNCLAS SECTION 01 OF 02 PANAMA 000669

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SUBJECT: PANAMA'S INPUT: INTELLECTUAL PROPERTY TRAINING,  
NEEDS, AND BEST PRACTICES

REF: STATE 42798

1. Summary. Post has provided primarily financial support and equipment to Panama in support of promoting effective protection and enforcement of IP rights. Panama has relatively well-developed intellectual property laws and institutions, and the GOP has also increased specialized IPR training and technical support for local stakeholders. However, enforcement is far from ideal as police, customs and prosecutors suffer from a lack of resources, and cases often stall in the judicial system. Panama's most important needs center on additional training for on-the-ground officials (i.e., police, customs officers, and technical judges) and the acquisition of additional equipment. End summary.

2. Per reftel, Answers to Questionnaire (Question 7).

A.1. While post has not/not conducted specific IPR training programs or workshops, IPR training was included in various conferences. Most recently, a one-hour IPR training session was held on March 3 in a DHS-led Conference on Money Laundering. This session included presentations by a DHS official and GOP IPR Prosecutor on IPR laws and practices specific to each country. While the audience was comprised of GOP officials (police and prosecutors) with money laundering responsibilities, many of these individuals have IPR duties as well. IPR training was also included in a January 2004 terrorist financing seminar led by DOJ/OPDAT. Prosecutors and judges attended this training.

A.2. The GOP Inter-Institutional Commission for Intellectual Property includes Public Ministry prosecutors, Customs and the Education Ministry's Copyright Office officials, Colon Free Zone (CFZ) administration, and representatives from the Commerce Ministry's international trade office (VICOMEX), and industrial property registry (DIGERPI). Using GOP funds, the Commission organized and executed a series of four regional workshops in 2003 throughout Panama to raise general awareness of IP. These private forums invited GOP judges, customs officials, and police to a three-day seminar on IP. Day One introduced IP and its theory; Day Two provided the audience with technical demonstrations (i.e., how to verify a "true" product with its look-alike); and Day Three discussed the role of the GOP in combating IP crimes. The police also held a training session in January 2004 on how to identify suspicious bills of lading and airway bills. The GOP Specialized IP Prosecutor's Office (Ninth Circuit attorney - created in December 2002) plans to hold a seminar in late March / early April of this year to target Superior Court judges from across the country on the fundamentals and principles of IP.

B.1. Post has not/not conducted or observed any IP-specific training programs.

B.2. According to GOP IPR Prosecutor Jose Ayu Prado, the most successful type of training has been the case study approach because of the audience's ability to directly see their role in the investigation or court proceedings. However, this approach has not been recently utilized because GOP judges feel uncomfortable discussing real-life accounts. (Note: The GOP IPR Prosecutor's office does not/not have the resources to develop a fictional case study to be used for training purposes at this time. End note.) While post believes there is a strong need to send GOP IPR officials to international conferences and training, in-country training provides more individuals the access to training.

B.3. The Embassy has helped to bridge some of the GOP's more glaring resource gaps. US companies have expressed concern about the general scarcity of resources and low priority given to IPR cases by Panama's Attorney General's office. The specialized IPR prosecutor lacks even basic resources to

conduct investigations and handle cases. Many of his workers use personal or donated computers and/or printers, some dating to the early 1990s. Using Narcotics Affairs Section (NAS) funds, we have provided a photocopier, cable internet connection, and a computer projector to the IPR prosecutor to help with IPR training and investigations. We have helped cover the costs of storing evidence for IPR cases. Finally, the Embassy is aggressively pursuing anti-corruption and justice reform programs.

C.1. Post sees a need for further training of GOP officials. Most of the training programs to-date have consisted of broad introductions to IP. While these continue to be a necessity, continued, more specific training programs are a necessity to give GOP officials the skills they need. These training programs may focus upon specific themes on trademarks, copyrights, or particular skill-sets such as identifying counterfeits and frauds. In the past, post has utilized NAS funds to send GOP officials to industry-wide conferences and USG-sponsored conferences. NAS funding allowed for two GOP officials to attend an USPTO-sponsored IPR conference in Washington in September 2003.

C.2. The Embassy recommends a plan focused on two specific areas that need improvement: CFZ enforcement and the judicial system. First, we recommend expanding programs in the CFZ to improve security and law enforcement on money laundering, counter narcotics, and terrorist financing as they relate to IPR to include finite resources (cell phones, computers/laptops, copiers, printers, internet access, digital camera). These would further their mission and to access and contribute to the DIGERPI-maintained copyright database. Second, we would welcome a judiciary-focused technical workshop - perhaps a DOJ/OPDAT-style conference, led by a US circuit court judge that would use a mock court case to educate Panamanian judges in the intricacies of adjudicating IPR cases.

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